

## REMARKS

The Office Action mailed on April 14, 2008 has been reviewed and the Examiner's comments have been carefully considered. Claims 14-78 were previously canceled. Claims 1-13 and 79-95 remain pending in this case.

In the Office Action dated April 14, 2008 claims 1-13 and 24-30 stand rejected under 35 U.S.C. § 103(a).

Applicants hereby submit a Declaration under 37 CFR § 1.32 of inventor Mr. Tremitchell Wright.

### **35 USC §103 Rejections**

#### **I. Claims 1, 2, 5, 6, 8-11, 79-89, 92 and 93 are not obvious under 35 USC §103(a) and over Estes et al. (US 2002/0056164) in view of Radomyselski et al. (US200510000897)**

The USPTO states that it would have been obvious to one of ordinary skilled in the art to modify the methods taught by Estes et al. by incorporating the membrane filters taught by Radomyselski because Radomyselski teaches similar fluids with similar pore sizes.

Applicants previously filed the Declaration of Mr. Tremitchell Wright under 37 C.F.R. §1.131 on March 6, 2008, in response to the non-final Office Action dated November 6, 2007. The Declaration of Mr. Wright provides evidentiary statements and exhibits to swear behind the Radomyseiski et al. (US2005/0000897) reference and remove it from consideration.

Applicants wish to clarify and emphasize that the evidence shows that the Applicants had conceived and actually reduced to practice the method recited in claims 1, 2, 5, 6, 7, 8-11, 79-89, 92 and 93 before the priority date of June 27, 2003 of Radomyseiski et al. (US2005/0000897). Section I entitled "Showing Facts Through Document Evidence" and Section I.B.(i) of the Declaration state that Exhibits A and B, show that Applicants conceived and actually reduced to practice a process of cleaning which includes filtering the non-aqueous working fluid through a cross flow membrane filter in a laundering apparatus at least as early as December 6-14, 2001. For example, page 12 of Exhibit B show a fluid reclamation schematic showing two streams exiting a cross flow membrane filter, the permeate and the concentrate streams. Page 13

provides evidence of the non-aqueous fluids. A photograph of the equipment (components labeled) through which the claimed method is run is provided on page 20 of Exhibit B.

Applicants respectfully submit that diligence is not required where the evidence shows actual reduction to practice prior to the filing date of the cited reference.

Accordingly, the Declaration of Mr. Wright under 37 C.F.R. §1.131 removes the Radomyselski et al. reference (Pub. No. 2005/0000897) from consideration. Applicants respectfully request withdrawal of rejection of claims 1, 2, 5, 6, 8-11, 79-89, 92 and 93 under 35 U.S.C. §103(a) as being unpatentable over the references of Estes et al. (US 2002/0056 164) in view of Radomyselski et al. (US2005/0000897).

**II. Claim 7 is not obvious under 35 USC §103(a) and over Estes et al. (US 2002/0056164) in view of Radomyselski et al. (US2005/0000897), as applied to the claims above and further in view of Radomyselski et al. (US 2003/0226214)**

The USPTO states that it would have been obvious to one of ordinary skilled in the art to modify the methods taught by Estes et al. and Radomyselski et al. (US2005/0000897) by incorporating the surfactants taught by Radomyselski et al. (US 2003/0226214).

Applicants respectfully submit that claim 7 is ultimately dependent from claim 1 and is not obvious over the cited references for the reasons stated above with regards to claim 1.

Accordingly, applicants respectfully request withdrawal of claim 7 which is believed to be in condition for allowance.

**III. Claims 3, 4, 12, 13, 94 and 95 are not obvious over 35 USC §103(a) as being unpatentable over Estes et al. (US 2002/0056164) in view of Radomyselski et al. (US2005/0000897) as applied to the claims above, and further in view of Berndt et al. (US 6,086,635)**

The Examiner states that, "....applicant argues that the spin disc filters of Berndt are different than those of applicant and would not achieve the same results. Applicants' arguments are conclusory statements not supported by factual evidence."

Applicants respectfully submit that no conclusory statements are made by stating that the Applicants spinning disc is not a filter. It is well settled that the spin disk as recited in claims 3, 4, 12, 13, 94 and 95 must be interpreted according to the meaning provided in Applicants' written

description. Applicants' spin disk is a spin disk is a clearly described as an embodiment of the condensing system, and the burden is on the USPTO to provide evidence that the spin disk described is a filter.

Paragraph [0057] of Applicants' specification describes a spinning disc condensation system. The spinning disk system receives cooling media, for example water and/or inert working fluid (IWF) from the storage tank and can be placed over the spinning disc. The specification states that this can be accomplished at room temperature but also at a below room temperature via the chiller/compressor. The warm air containing non-aqueous vapor contacts and condenses on the spinning disc. The spin disk of Berndt et al. is clearly a filter which removes particulate solids from liquid.

In an effort to bring this patent application to issuance, Applicants hereby submit the Applicants hereby submit a Declaration under 37 CFR § 1.32 of inventor Mr. Tremitchell Wright. The declaration states that in a method of laundering, the warm non-aqueous vapor contacts the spin disc and condensate builds up the surface of the disc, the condensate flies off the surface of the disc which is in motion. As a result, the concentration of the volatile, non-aqueous working fluid in the warm vapor phase is reduced in more timely and efficient manner, while also improving safety.

Accordingly, applicants respectfully request withdrawal of the rejection of claims 3, 4, 12, 13, 94 and 95 which are believed to be in condition for allowance.

**IV. Claims 90 and 91 are rejected under 35 USC §103(a) as being unpatentable over Estes et al. (US 2002/00561 64), in view of Radomyselski et al. (US2005/0000897), as applied to the claims above, and further in view of Hallman (US2003/0196277)**

The USPTO states it would have been obvious to one of ordinary skilled in the art “to modify the methods taught by Estes and Berndt by incorporating the water absorbent media taught by Hallman because Hallman teaches efficient contaminant removal benefits imparted by exposure of the working fluid to these filters in dry-cleaning applications and efficient regeneration of dry cleaning fluids.”

Applicants respectfully submit that claims 90 and 91 are ultimately dependent from claim 1 and are not obvious over the cited references for the reasons stated above with regards to claim 1.

Accordingly, applicants respectfully request withdrawal of claims 90 and 91 which are believed to be in condition for allowance.

**Conclusion**

In summary, Applicants believes that this Amendment is fully responsive to the Final Office Action mailed on April 14, 2008, and that Applicants' claims include features that patentably define over the cited references. It is respectfully requested that for the foregoing reasons claims 1-13 and 79-95 of this application should be found in condition for allowance. If the Examiner believes there are any further matters, which need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 02-2051, referencing our Docket No. US20010201 (31480.4).

Respectfully submitted,

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